



## WILSON COUNTY SHERIFF DEPARTMENT

TERRY ASHE  
SHERIFF  
444-1412

DATE: 8/7/08

I hereby certify that I, David Begarly, do hereby confirm that all the information on the proof of service is true and correct and that said civil paper (was) or (was not) served on this 7 day of August, 2008.

David Begarly #316  
Deputy Sheriff

Signed before me this 7 day of August, 2008

Ray Webber  
Notary



My commission expires: 11-28-2011

Docket #: X254467Y

Additional information, if any, list below:

Lex INS. Co. vs. Lochinvar, Inc

LEXINGTON INSURANCE COMPANY as subrogee of BP/CC CENTER I, LLC  
BP/CC CENTER II, LLC CITICORP CENTER CONDOMINIUM

Plaintiff(s)/Petitioner(s)

-against-

LOCHINVAR CORPORATION, SOUTH ERIE PRODUCTION COMPANY  
doing business as SEPCO-ERIE and S. DIGIACOMO & SON, INC.

AFFIDAVIT OF SERVICE

Defendant(s)/Respondent(s)

STATE OF : COUNTY OF SS:

DAVID BEGARLY being duly sworn, deposes and says: deponent is not a party to this action, is over 18 years of age and is employed by the Dutchess County Sheriff's Department, 150 North Hamilton Street, Poughkeepsie, New York.

That on Aug 7, 2008 at 10 A.M. at Lebanon, TN

deponent served the within

on,

defendant named therein, in the following manners

1. INDIVIDUAL

By delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

2. CORPORATION

A domestic foreign corporation; by delivering thereto a true copy of each to Lochinvar personally; deponent knew said corporation so served to be the corporation described therein as defendant and on information and belief, said was an: officer; managing agent; director; general agent; cashier; assistant cashier; other agent (appointed, designated or by law) thereof.

3. SUITABLE AGE PERSON

By delivering thereto a true copy of each to a person of suitable age and discretion. Said premises is defendant's: actual place of business; dwelling place; usual place of abode: within the State.

4. AFFIXING TO DOOR (Nail & Mail)

By affixing a true copy of each to the door of the defendant's actual place of business; dwelling place; usual place of abode: within the State. Deponent was unable, with due diligence, to find defendant or a person of suitable age and discretion thereto after the following attempts:

	Attempt 1	Attempt 2	Attempt 3	Attempt 4
Date:				
Day:				
Time:				
Address:				
1.				
2.				

## MAILING

(USE WITH 3 OR 4) (MUST BE WITHIN 20 DAYS OF DELIVERY OF PAPERS)

Deposent also mailed on \_\_\_\_\_, 19\_\_\_\_ a copy of same by depositing a copy of same in a postpaid sealed wrapper properly addressed to defendant at: \_\_\_\_\_ defendant's last known residence; \_\_\_\_\_ defendant's actual place of business, by first class mail, in an envelope bearing the legend "Personal & Confidential" and not indicating that the communication was from an attorney or concerns an action against the defendant and deposited same in a post office or official depository of the United States Postal Service within New York State.

## DESCRIPTION

(USE WITH 1, 2 OR 3)

Deposent describes the individual served as follows:

SEX	SKIN COLOR	HAIR COLOR	APPROX. AGE	APPROX. WEIGHT	APPROX. HEIGHT
			YRS.	LBS.	FT. IN.
_____	_____	_____	_____	_____	_____

OTHER IDENTIFYING FEATURES: (e.g., glasses, mustache, beard, etc.) \_\_\_\_\_

## Statutory Fee

At the time of service, a statutory service fee of \$ \_\_\_\_\_ was also left with the person mentioned and described therein.

## Military Service

On information and belief, defendant is not in the military service of New York State or the United States. The person I spoke to indicated that defendant was not in the active military service of the United States or New York State; defendant wore civilian clothes.

Additional Information \_\_\_\_\_

David Begarly #316  
 Sign Above and Print Name below

DAVID BEGARLY

Deputy Sheriff Badge No. 316

Served, so before me this  
 day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
 Notary Public